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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,941	12/29/2000	Charles A. Hudson	52493.000129	6817

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EXAMINER

DAS, CHAMELI

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/749,941

Applicant(s)

HUDSON ET AL.

Examiner

CHAMELI C. DAS

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. This action is in response to the amendment filed on 6/14/04.
2. Claims 1, 11, 18 and 28 have been amended.
3. Claims 35-36 have been added.
4. Claims 1-36 have been rejected.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Abrams, US 6,151,608 and further in view of Baldwin, Jr. et al, US 5,452,449.

As per amended claims 1, 11, 18 and 28, Abrams discloses:

- the trigger file including a schedule for migrating the enhancement (col 13, lines 12-16, col 15, lines 63-66)
- identification of a software system to receive the migration (col 9, lines 9-12)
- the process including looking for the trigger file to determine whether any changes are scheduled (col 8, lines 23-30, col 8, lines 40-44), "identify the record to change or browse" inherently including process for looking for the trigger file as claimed.

For the rest of the limitations see the rejections of claim 1 and 3 in the previous office action.

For all other claims, see the rejection in the previous office action.

**6. Claims 35-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrams, US 6,151,608 and further in view of Baldwin, Jr. et al, US 5,452,449 and official notice.**

Abrams discloses the trigger files run on a periodic basis (col 13, lines 11-15), user archive the data on a periodic basis (col 19, lines 6-10). Baldwin discloses software updated can be performed periodically (Baldwin, col 9, lines 15-19). Abrams discloses "the process including looking for the trigger file to determine whether any changes are scheduled" (col 8, lines 23-30, col 8, lines 40-44). As per claims 35 and 36, neither Abrams nor Baldwin disclose "looking for a trigger file is performed on a periodic basis". However, official notice is taken for looking for a file on a periodic basis. The modification is obvious because one of the ordinary skill in the art would be motivated to migrate the updated modules efficiently.

#### ***Response to Arguments***

7. Applicant's arguments filed on 6/14/04 have been fully considered but they are not persuasive.

In the remark, the applicant has argued in substance:

(1) Neither Abrams nor Baldwin discloses "the trigger file including a schedule for migrating the enhancement and identification of a software system to receive the migration, the process including looking for the trigger file to determine whether any changes are scheduled", as recited in the amended claims 1, 11, 18 and 28.

**Response:**

(1) Abrams discloses the limitation *"the trigger file including a schedule for migrating the enhancement and identification of a software system to receive the migration, the process including looking for the trigger file to determine whether any changes are scheduled"*. See the rejection above.

(2) Neither Abrams nor Baldwin disclose "the process including looking for the trigger file"

**Response:**

(2) Abrams discloses "the process including looking for the trigger file"

(Abrams, col 8, lines 23-30, col 8, lines 40-44), "identify the record to change or browse" inherently including process for looking for the trigger file as claimed.

**Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is (703) 305-1339. The examiner can normally be reached on Monday through Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 (official fax).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

*7/9/04*